

## **REMARKS/ARGUMENTS**

### **1.) Withdrawal of Finality of Prior Office Action**

The Applicants thank the Examiner for acknowledging that the finality of the office action issued on April 14, 2009, was improper, and for withdrawing that office action.

### **2.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner has rejected claims 11-20 as being unpatentable over Hayashi (US-PGPUB 2004/0152453 A1) in view of Meago (US-PGPUB 2004/0223513 A1) and Ohlsson, *et al.* (US-PGPUB 2002/0068571 A1). The Applicants traverse the new ground of rejection.

In an office action issued on October 28, 2008, the Examiner rejected claims 11, 14-16, 19 and 20 as being anticipated by Ohlsson, and rejected claims 12, 13, 17 and 18 as being obvious over Ohlsson in view of Meago. In a response dated October 28, 2008, the Applicants traversed those bases of rejection. In the final office action issued on April 14, 2008, now withdrawn, the Examiner maintained those bases of rejection. In the present office action, the Examiner still relies on the teachings of Ohlsson and Meago, but adds the additional teachings of Hayashi. It appears that the Examiner is continuing to pick and choose references from the prior art that contain technical terms similar to those recited in Applicants' claims, without consideration being given to either the individual functions in which such terms are found or the unique combination of functions embodied by Applicants' claimed invention. In any case, Hayashi fails to overcome the previously-identified deficiencies in the teachings of Ohlsson and Meago.

Claim 11 recites:

11. A method for registration of a drift Radio Network Controller (DRNC) to be capable of handling user equipment units (UE) supporting multimedia broadcast multicast service (MBMS), said method performed in a radio network control node acting across an Iur interface as a drift radio network control node for one or more user equipment units registering for a MBMS session, said method comprising the steps of:

defining a counter and a first threshold value;

using the counter for counting of a set of power consuming events occurring at the drift radio network control node; and, delaying registration of the drift radio network control node with a core network node until the counter has exceeded the first threshold value. (emphasis added)

The Applicants invention is directed to a method of registration of a drift Radio Network Controller (DRNC) with a core network node. The method is characterized by using a counter to register power consuming events occurring at the DRNC node and delaying the registration of the DRNC with a core network node until the count of such events exceeds a threshold value. The advantage of Applicants' invention is that it guards against any tendency of the DRNC to send a registration request too early to the core network; if a request is sent too early, it may turn out that the number of user equipment units requesting MBMS service has decreased significantly before the session begins.

In now relying on the teachings of Hayashi, the Examiner asserts that it teaches a method for registration of a drift Radio Network Controller (DRNC). The Applicants, however, can find no teaching in Hayashi relating to a DRNC, as confirmed by an electronic search of that document for both "drift" and "DRNC." *More importantly*, the function of switching between a PtP system and a PtM system, as relied on by the Examiner from the teachings of Hayashi, is not related to the function of delaying the registration of a DRNC with a core network node, as recited in claim 11. Thus, the Examiner's reliance on Hayashi does not overcome the deficiencies of Ohlsson and Meago and, therefore, the Examiner has not established a *prima facie* case of obviousness of claim 11 over Hayashi in view of Ohlsson and Meago.

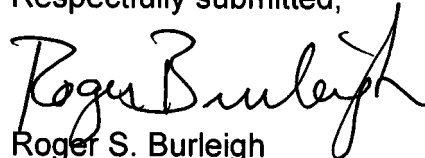
Whereas claim 16 recites limitations analogous to those of claim 11, it is also not obvious over Hayashi in view of Ohlsson and Meago. Similarly, whereas claims 12-15 and 17-20 are dependent from claims 11 and 16, respectively, and include the limitations of their respective base claims, they are also not obvious in view of those references.

### **CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11-20.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: September 9, 2009

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